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12 Attorneys for Defendant

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15 **UNITED STATES BANKRUPTCY COURT**
16 **FOR THE DISTRICT OF NEVADA**

17 In re:

18 MARC JOHN RANDAZZA,

19 Debtor.

20 EXCELSIOR MEDIA CORP., a Nevada
21 corporation; and LIBERTY MEDIA
22 HOLDINGS, LLC, a Nevada limited liability
23 company,

24 Plaintiffs,

v.

25 MARC JOHN RANDAZZA, an individual,

26 Defendant.

27 AND RELATED COUNTERCLAIMS.

28 Case No.: BK-S-15-14956-abl
Chapter 11

Adv. No. 15-01193-abl

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1 No. 125],¹ and such other matters as may be filed in the above-referenced adversary proceeding:

2 1. The \$55,000 awarded to MJRPA in the Righthaven litigation was not awarded
 3 for that law firm's representation of Wayne Hoehn, as a defendant, but rather was a distribution
 4 for administrative expenses to the law firm on behalf of the Court-appointed receiver over
 5 Righthaven. Attached hereto as Exhibit 1 and Exhibit 2, respectively, are true and correct
 6 copies of the following filings in that case: Righthaven, LLC v. Hoehn, 2:11-cv-00050 (D. Nev.
 7 Mar. 15, 2013) (report of receiver), and Righthaven, LLC v. Hoehn, 2:11-cv-00050 (D. Nev.
 8 Jun. 6, 2013) (order adopting report of receiver)). It was not Randazza individually, but rather
 9 his law firm, MJRPA, that received the distribution, and the distribution occurred nine (9)
 10 months after Randazza's employment with Excelsior terminated.

11 2. During the course of his work, Randazza found himself facing repeat opposing
 12 counsel, notably Valentin Gurvits, Esq. ("Gurvits"), when he dealt with TNAFlix and FF
 13 Magnat Ltd., d/b/a Oron.com ("Oron") on LMH's behalf. Additionally, attached hereto as
 14 Exhibit 3 is true and correct copy of Datatech Enters. LLC v. FF Magnat Ltd., No. 3:12-cv-
 15 4500, 2013 WL 1007360 (N.D. Cal. Mar. 13, 2013), wherein Mr. Gurvits also participated in
 16 the represented of Oron, just as he had been in the representation of TNAFlix and Oron.

17 3. On June 15, 2015, Excelsior, LMH, and Gibson filed a motion (the "Motion to
 18 Confirm") in the Eighth Judicial District Court, Clark County, Nevada (the "Nevada State
 19 Court"), thereby commencing Case No. A-15-719901-C (the "State Court Action"), which
 20 sought to confirm the IAA and have formal judgment entered against Randazza. A true and
 21 correct copy of the Motion to Confirm is attached hereto as Exhibit 4. Randazza opposed the
 22 Motion to Confirm and also sought to vacate or modify the IAA in the State Court Action, a
 23 true and correct copy of which opposition is attached hereto as Exhibit 5.

24 4. Excelsior argued at the Arbitration that the bonuses owed to Randazza were not
 25 wages within the meaning of NRS 608.050, citing to NRS 608.012, including as set forth on
 26 page 15 of its Post-Arbitration Brief, a true and correct copy of which brief is attached hereto as

28 1 Unless otherwise indicated, all capitalized terms herein shall have the same meaning as set forth in the
 Opposition.

1 **Exhibit 6.**

2 Dated: March 16, 2017.

3 By: /s/ Matthew C. Zirzow
4 LARSON & ZIRZOW, LLC
5 ZACHARIAH LARSON, ESQ.
6 Nevada Bar No. 7787
7 MATTHEW C. ZIRZOW, ESQ.
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11 Attorneys for Defendant

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